



**US Army Corps  
of Engineers.**  
Philadelphia District  
Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
CENAP-OP-R- 2007-326-60

Date

September 7, 2007

Application No.

File No.

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

**APPLICANT:** Delaware City Marina, Inc.  
302 Canal Street  
Delaware City, DE 19706

**AGENT:** Charles Miller  
Environmental Consulting Services, Inc.  
P.O. Box 138  
100 Cass Street  
Middletown, DE 19709

**WATERWAY:** Delaware City Canal

**LOCATION:** The project site is located at the Delaware City Marina, on the west bank of the Delaware City Canal, starting approximately 200' north of the Canal Street and 5<sup>th</sup> Street intersection and continuing approximately 2,038' north, situated in Delaware City, New Castle County, Delaware.

**ACTIVITY:** The applicant proposes to remove an approximately 2,038' x 25' rip-rap revetment and replace in kind. The approximately 3,800 cubic feet of material will be mechanically removed and trucked to the United States Army Corps of Engineers Governor Bacon Disposal Site. The material will then be separated with the rip-rap and sediment reused and the remaining material trucked to the Cherry Island Landfill. No channel dredging is proposed by the applicant. A description of the proposed work is shown on the attached plans E-1 through E-6.

It is noted that an approximately 5' wide fringe wetlands dominated by phragmites has formed at the toe of slope of the existing revetment. These approximately 10,190 square feet (0.023 acre) of low value created wetlands would be removed as part of this project.

**PURPOSE:** The stated purpose of the project is to stabilize and protect the bank.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, indicates that the project is not within an EFH resource area.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with

and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

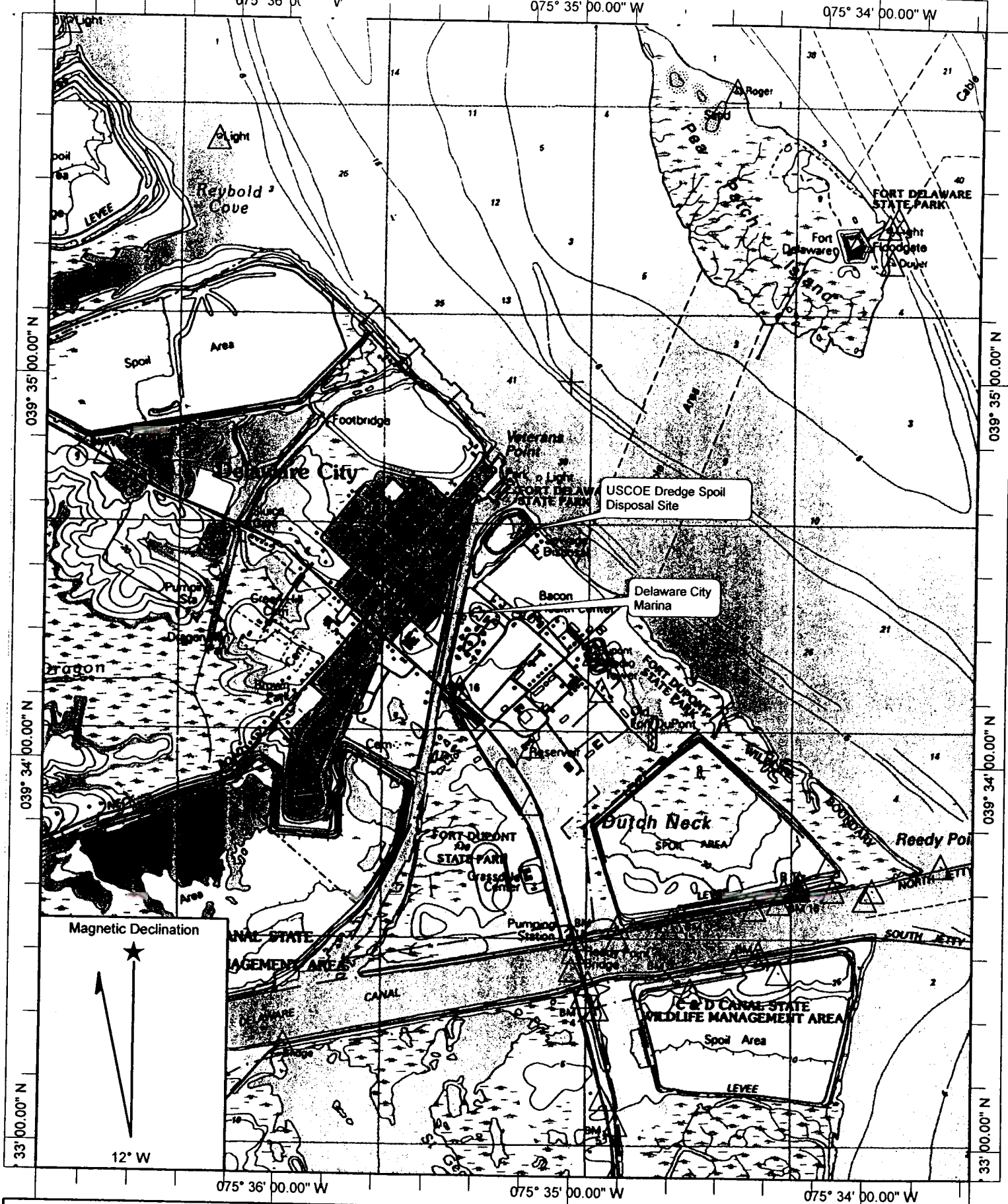
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Richard Fonorow at 215-656-5957 or writing this office at the above address.

  
For Frank J. Cianfrani  
Chief, Regulatory Branch

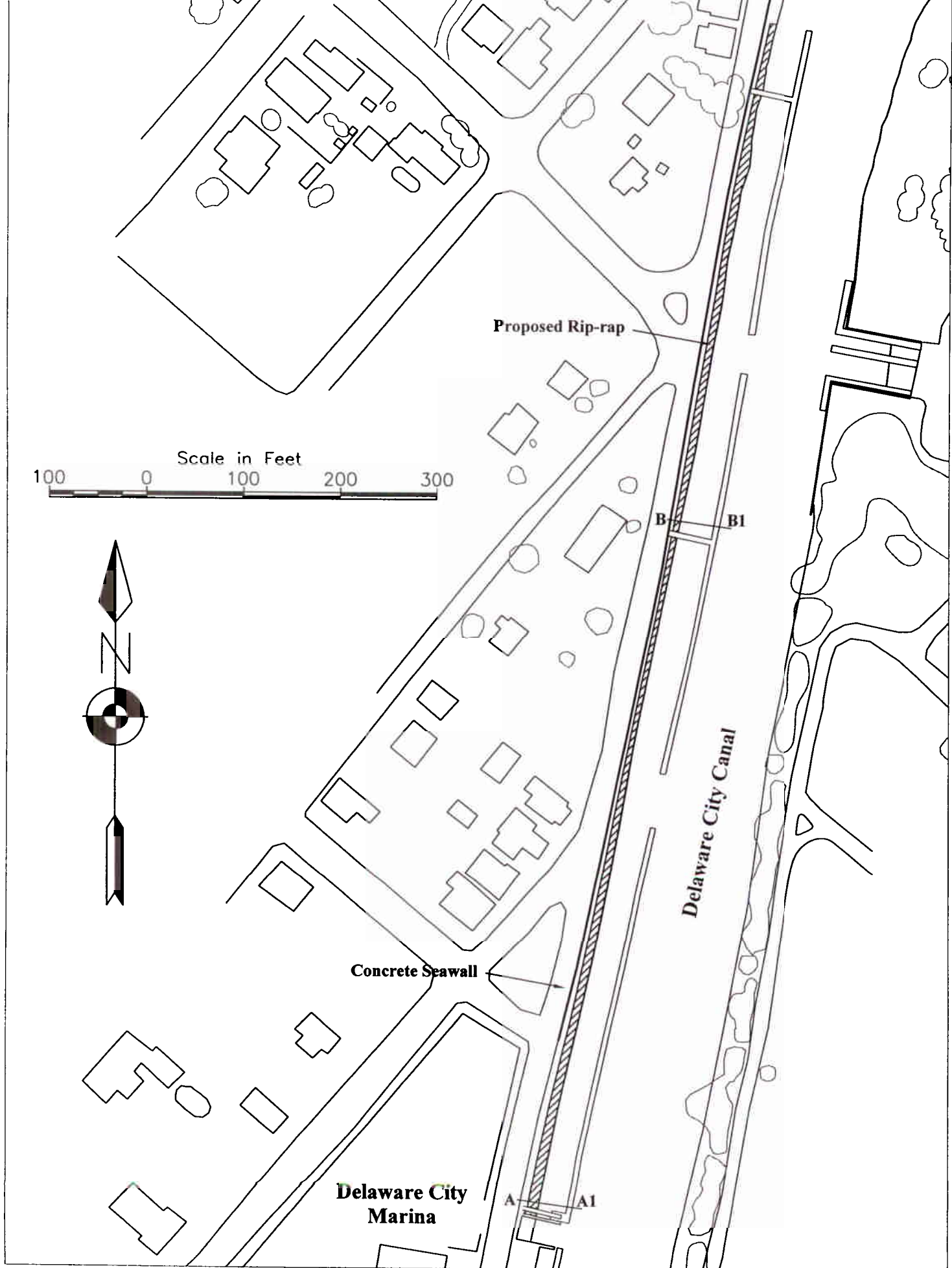


Name: DELAWARE CITY  
 Date: 2/28/2007  
 Scale: 1 inch equals 2000 feet

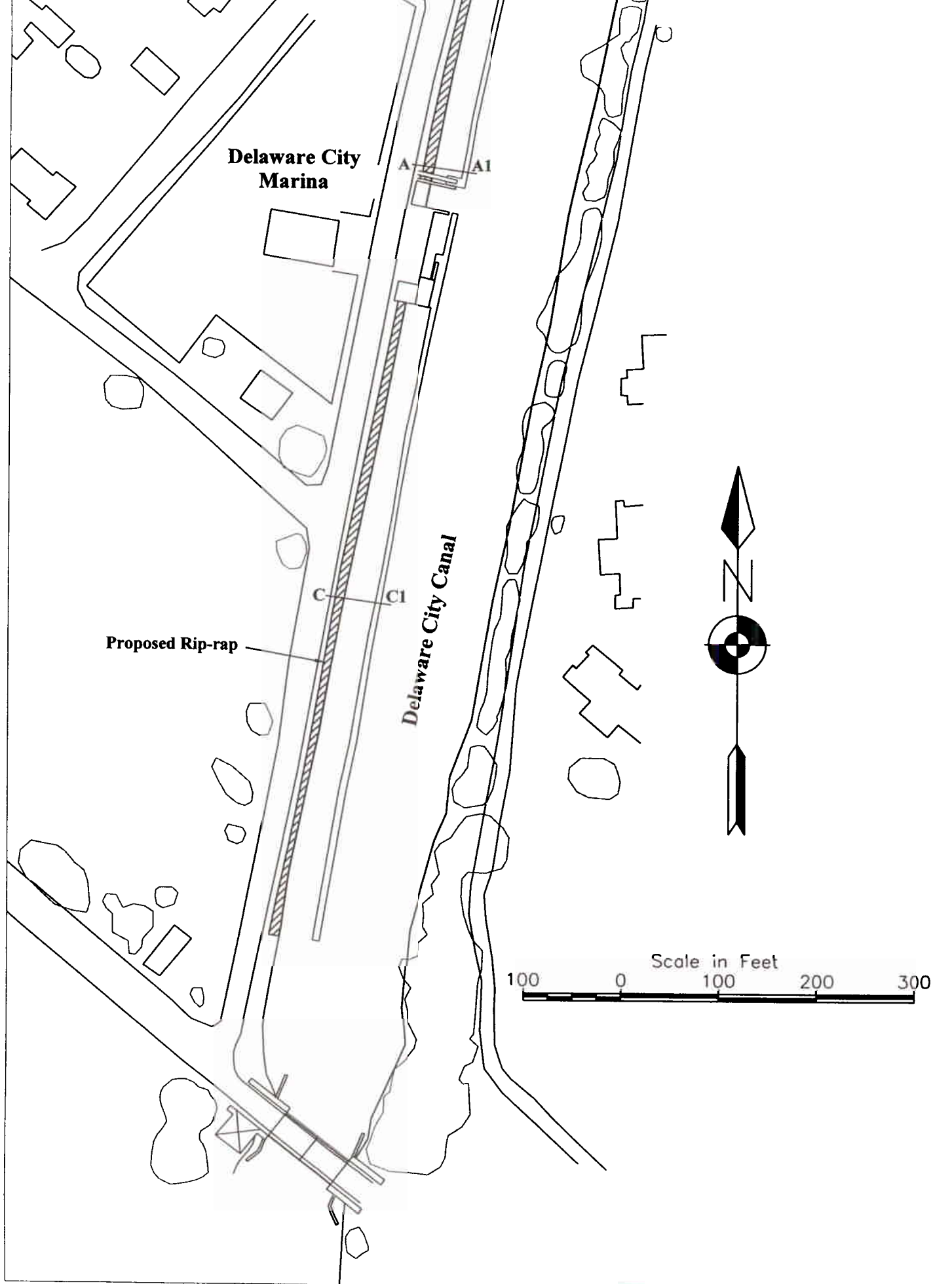
Location: 039° 34' 25.59" N 075° 35' 13.25" W NAD 27  
 Caption: Vicinity Map with Delaware City Marina, Delaware City Canal,  
 and the USCOE Disposal site (Delaware City Topo Map).

E-1

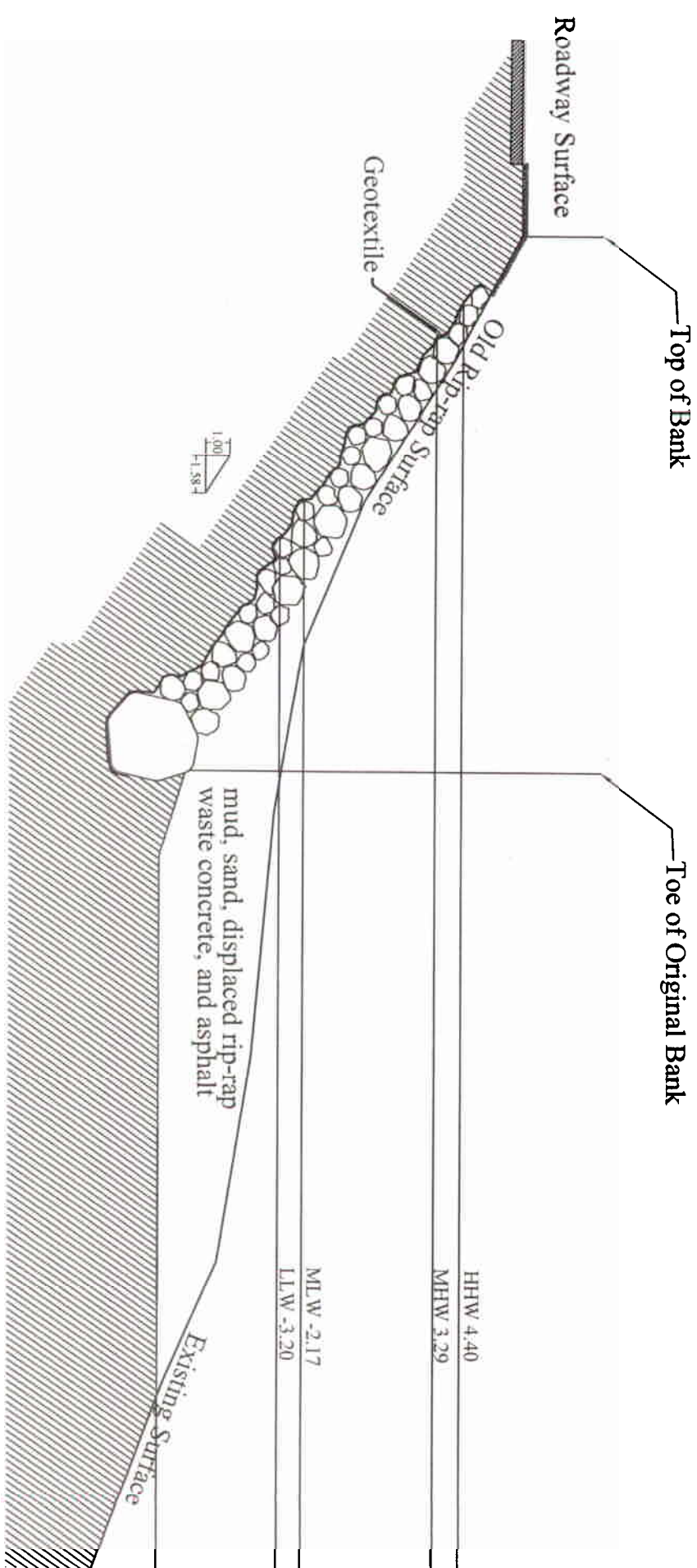
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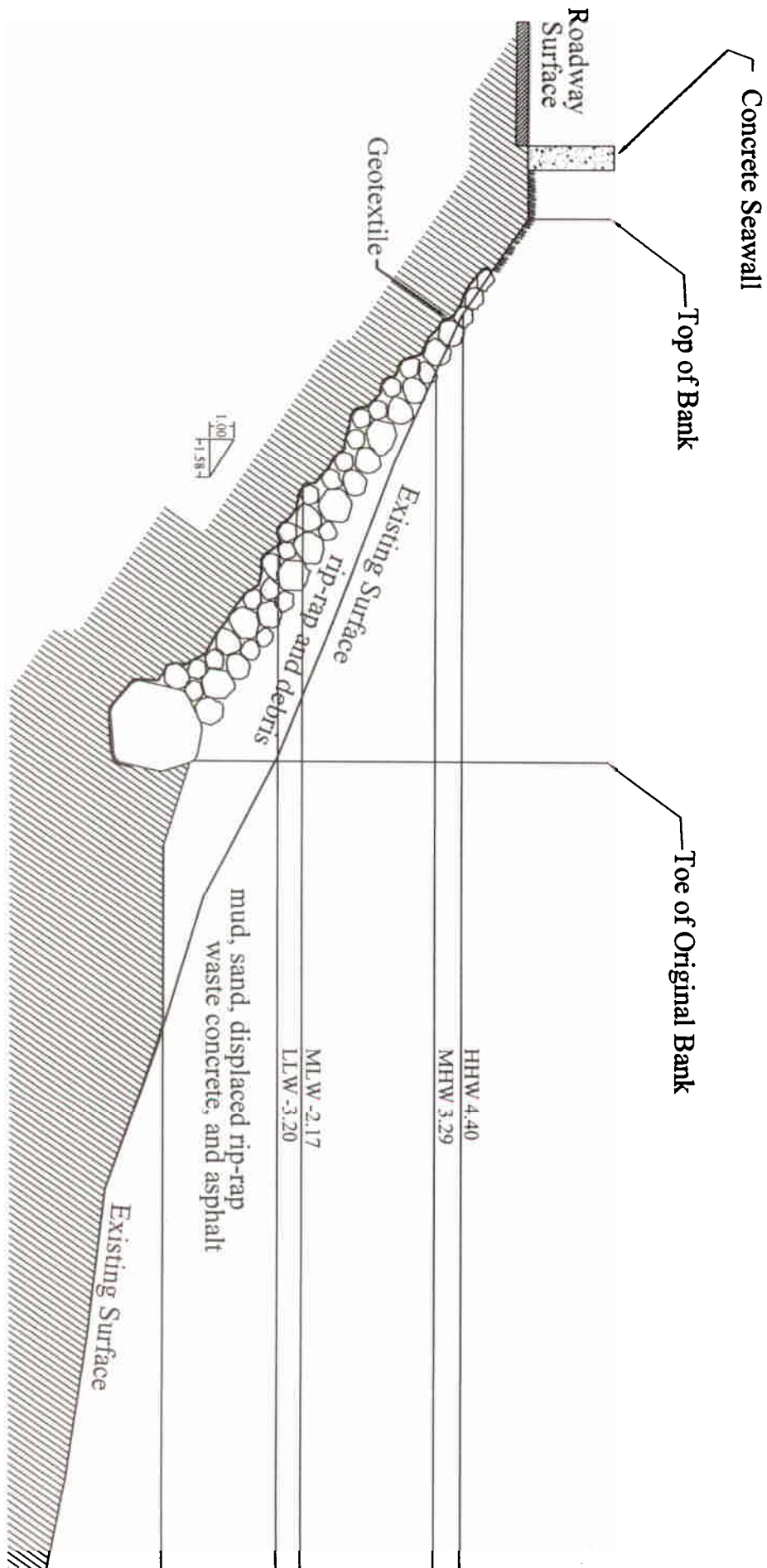




# Section A-A1 at Travel Lift Well



# Section B-B1 at easternmost walkway





# Section C-C1

